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STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA
9

10 JODI LYNN KERN,

11 Plaintiff,

Case No:

12 vs.

PETITION FOR REMOVAL

13 STATE FARM MUTUAL AUTOMOBILE
14 INSURANCE COMPANY, and DOES I
through X, inclusive,

15 Defendants.

16 TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
17 SOUTHERN DISTRICT OF NEVADA

18 PLEASE TAKE NOTICE that Defendant, STATE FARM MUTUAL AUTOMOBILE
19 INSURANCE COMPANY (hereinafter "State Farm") hereby removes the State action described
20 herein to Federal Court. The grounds for removal are as follows:

21 1. On September 25, 2014, an action was commenced in the Eighth Judicial District
22 Court, Clark County, Nevada, entitled "Jodi Lynn Kern vs. State Farm Mutual Automobile
23 Insurance Company; and Does I through X, inclusive" - Case No. A-14-707531-C.

24 2. A copy of all process, pleadings and orders served upon Defendant, State Farm
25 Mutual Automobile Insurance Company in the State Court action is attached hereto as Exhibit
26 "A".

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1 3. The instant action is a civil action of which this Court has original jurisdiction
2 under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant State
3 Farm pursuant to the provisions of 28 U.S.C. §1441(b), in that it is a civil action between citizens
4 of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of
5 costs and interest.

6 4. There is diversity of citizenship between Plaintiff and Defendant. Defendant State
7 Farm is informed and believes that Plaintiff, JODI LYNN KERN was and still is a citizen of the
8 State of Nevada. Defendant State Farm was at the time of the filing of this action, and still is a
9 corporation incorporated in the State of Illinois.

10 5. The matter in controversy exceeds \$75,000.00. The State Farm contractual
11 underinsured motorist policy includes policy limits of \$15,000.00 per person each accident. As
12 this matter involves claims for contractual and extra contractual damages arising from Plaintiff's
13 involvement in a motor vehicle accident on or about February 17, 2014, the contractual limits of
14 the policies, as well as the claimed punitive and tort damages are sufficient to exceed the
15 jurisdictional limit. In addition to compensatory damages under the underinsured portion of the
16 policy of insurance with Defendant, as well as extracontractual or "bad faith" punitive damages
17 under statutory and common law theories. Given those claims against this national insurance
18 company, it is clear that Plaintiff is seeking punitive damages in excess of \$75,000.00.

19 6. Defendant State Farm was served through the Nevada Division of Insurance on
20 September 26, 2014. (See Exhibit "B")

21 7. Pursuant to 28 U.S.C. §1446, a copy of this Notice of Removal is being filed with
22 the Clerk of the Eighth Judicial District Court, Clark County, Nevada, and is further served on all
23 parties hereto.

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1 WHEREFORE, Defendant hereby removes the State action now pending against it in the
2 Eighth Judicial District Court, Clark County, Nevada, Case No. A-14-707531-C, to this Court.

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4 DATED this 10 day of October, 2014.

5 DENNETT WINSPEAR, LLP

6
7 

8 By
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16 ***STATE FARM MUTUAL AUTOMOBILE***
17 ***INSURANCE COMPANY***
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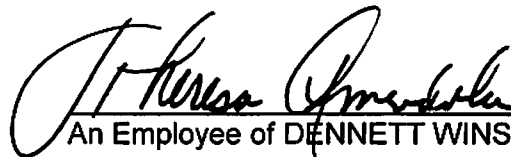
DENNETT WINSPEAR

ATTORNEYS AT LAW

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5 and LR 5-1, I certify that I am an employee of DENNETT WINSPEAR, LLP, and that on the 21 day of October, 2014 the foregoing PETITION FOR REMOVAL was served upon the parties via CM/ECF and U.S. Mail by depositing a true and correct copy thereof in the U.S. Mail, first class postage prepaid and addressed to the following parties:

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